

Judgment of the Court of First Instance of 13 May 2009 — Aurelia Finance v OHIM (AURELIA)

(Case T-136/08) ⁽¹⁾

(Community trade mark — Community word mark AURELIA — Failure to pay renewal fee — Removal of trade mark from register on expiry of registration — Application for restitutio in integrum)

(2009/C 153/72)

Language of the case: English

Parties

Applicant: Aurelia Finance SA (Geneva, Switzerland) (represented by M. Elmslie, Solicitor, and N. Saunders, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by D. Botis, Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 9 January 2008 (Case R 1214/2007-1), concerning the application for *restitutio in integrum* lodged by the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Aurelia Finance SA to pay the costs.

⁽¹⁾ OJ C 128, 24.5.2008.

Judgment of the Court of First Instance of 13 May 2009 — Schuhpark Fascies v OHMI — Leder & Schuh (jello SCHUHPARK)

(Case T-183/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative and word mark jello SCHUHPARK — Earlier national word mark Schuhpark — Relative ground for refusal — Proof of use of earlier mark — Article 43(2) of Regulation (EC) No 40/94)

(2009/C 153/73)

Language of the case: German

Parties

Applicant: Schuhpark Fascies GmbH (Warendorf, Germany) (represented by: A. Peter and J. Braune, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the Court of First Instance: Leder & Schuh AG

(Graz, Austria) (represented by: W. Kellenter and A. Schläffge, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 13 March 2008 (Case R 1560/2006-4), concerning opposition proceedings between Schuhpark Fascies GmbH and Leder & Schuh AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Schuhpark Fascies GmbH to pay the costs.

⁽¹⁾ OJ C 171, 5.7.2008.

Order of the Court of First Instance of 29 April 2009 — HALTE v Commission

(Case T-58/06) ⁽¹⁾

(State aid — Complaint — Action for failure to act — Definition of Commission's position terminating the failure to act — No need to adjudicate)

(2009/C 153/74)

Language of the case: French

Parties

Applicant: Honorable Association de Logisticiens et de Transporteurs Européens (HALTE) (Neuilly-sur-Seine, France) (represented by: J.-L. Lesquins, lawyer)

Defendant: Commission of the European Communities (represented by: C. Giolito and E. Righini, Agents.)

Re:

Action seeking a declaration, under Article 232 EC, that by refraining from initiating the formal investigation procedure under Article 88 EC and from adopting protective measures in relation to the aid allegedly granted in the context of the sale of SERNAM SA, the Commission failed to fulfil its obligations under Community law.

Operative part of the order

1. There is no longer any need to adjudicate on the present action;
2. The Honorable Association de Logisticiens et de Transporteurs Européens (HALTE) and the Commission shall bear their own costs.

⁽¹⁾ OJ C 96, 22.4.2006.